

**REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL**

**March 17, 2003**

**2:00 p.m.**

The Council of the City of Roanoke met in regular session on Monday, March 17, 2003, at 2:00 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Vice-Mayor C. Nelson Harris presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.

**PRESENT:** Council Members William D. Bestpitch, William H. Carder, M. Rupert Cutler, Alfred T. Dowe, Jr., C. Nelson Harris, Linda F. Wyatt (arrived late), and Mayor Ralph K. Smith (arrived late)-----7.

**ABSENT:** None-----0.

**OFFICERS PRESENT:** Darlene L. Burcham, City Manager (arrived late); William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with a prayer by The Reverend Carl T. Tinsley, Sr., Pastor, First Baptist Church, Buena Vista, Virginia.

The Pledge of Allegiance to the Flag of the United States of America was led by Vice-Mayor Harris.

**PRESENTATIONS AND ACKNOWLEDGMENTS:**

**PROCLAMATIONS:** The Vice-Mayor presented a proclamation declaring March 16-22, 2003, as DeMolay Week.

At this point, Mayor Smith and Council Member Wyatt entered the meeting.

## **CONSENT AGENDA**

The Vice-Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately. He called attention to four requests for Closed Sessions.

**MINUTES:** Minutes of the Regional Leadership Summit held on Friday, January 17, 2003; and the regular meeting of Council held on Tuesday, January 21, 2003, were before the body.

Mr. Carder moved that the minutes be approved as recorded and that the reading of the minutes be dispensed with. The motion was seconded by Mr. Dowe and adopted by the following vote:

**AYES:** Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

**NAYS:** None-----0.

**PURCHASE/SALE OF PROPERTY-CITY COUNCIL-CITY PROPERTY:** A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss acquisition of real property for public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Carder moved that Council concur in the request of the City Manager to convene in a Closed Meeting as above described. The motion was seconded by Mr. Dowe and adopted by the following vote:

**AYES:** Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

**NAYS:** None-----0.

**REAL ESTATE VALUATION-CITY EMPLOYEES:** A communication from Willard N. Claytor tendering his resignation as Director of Real Estate Valuation, effective July 31, 2003, was before Council.

Mr. Carder moved that Council accept the resignation and receive and file the communication. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

OATHS OF OFFICE-PARKS AND RECREATION-COMMITTEES: A communication from Anita L. Lee tendering her resignation as a member of the Parks and Recreation Advisory Board, was before Council.

Mr. Carder moved that the resignation be accepted and that the communication be received and filed. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

CITY COUNCIL-CITY PROPERTY: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of real property for public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Carder moved that Council concur in the request of the City Manager as above described. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

PURCHASE/SALE OF PROPERTY-CITY COUNCIL-CITY PROPERTY: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss acquisition of real property for public purpose, where discussion

in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Carder moved that Council concur in the request of the City Manager as above described. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

AIRPORT-OATHS OF OFFICE-PARKS AND RECREATION-COMMITTEES-HOUSING/AUTHORITY-CABLE TELEVISION-ROANOKE NEIGHBORHOOD PARTNERSHIP: The following reports of qualification were before Council:

Raymond Debose, Jr., as a member of the Fair Housing Board, for a term ending March 31, 2006;

James M. Turner, Jr., as a member of the Roanoke Regional Airport Commission, for a term ending March 9, 2007;

Carl H. Kopitzke and Mary F. Monk as members of the Parks and Recreation Advisory Board, for terms ending March 31, 2006;

Shirley M. Bethel as a member of the Roanoke Neighborhood Partnership Steering Committee, for a term ending November 30, 2005;

Delvis O. McCadden as a member of the Roanoke Valley Regional Cable Television Committee, for a term ending June 30, 2005; and

George F. Taylor as a member of the Board of Trustees, City of Roanoke Pension Plan, to fill the unexpired term of William E. Skeen, resigned, ending June 30, 2005.

Mr. Carder moved that the reports of qualification be received and filed. The motion was seconded by Mr. Dowe and adopted by the following vote:

**AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.**

**NAYS: None-----0.**

**CITY COUNCIL-CITY PROPERTY: A communication from the City Attorney requesting that Council convene in a Closed Meeting to discuss disposition of real property for public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.**

**Mr. Carder moved that Council concur in the request of the City Attorney as above described. The motion was seconded by Mr. Dowe and adopted by the following vote:**

**AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.**

**NAYS: None-----0.**

**REGULAR AGENDA**

**SCHOOLS: The Vice-Mayor advised that applications were received from the following persons prior to the March 10, 2003 deadline for three upcoming vacancies on the Roanoke City School Board:**

- Dennis M. Binns**
- Rhonda M. Chattin**
- Chris H. Craft**
- Robert R. Craig**
- F. B. Webster Day**
- Tiffany M. Johnson**
- Gloria P. Manns**
- Kathy G. Stockburger**
- David B. Trinkle**

**Without objection by Council, the Vice-Mayor advised that the applications would be received and filed, and Council, at its next regular meeting on Monday, April 7, 2003, will select those persons to be accorded the public interview on Thursday, April 24, 2003, beginning at 4:30 p.m.**

**At this point, the Mayor took the Chair.**

**PUBLIC HEARINGS: NONE.**

**PETITIONS AND COMMUNICATIONS:**

**ANNUAL REPORTS-ECONOMIC DEVELOPMENT:** Phillip F. Sparks, Executive Director, presented the Annual Report of the Roanoke Economic Development Partnership.

(For full text, see Annual Report on file in the City Clerk's Office.)

Without objection by Council, the Mayor advised that the Annual Report would be received and filed.

**TRAFFIC-STATE HIGHWAYS-TRANSPORTATION SAFETY:** Steven J. Chapin, Vice-President and Director of Transportation, Hayes, Seay, Mattern & Mattern, Inc., presented STAR Solutions I-81 proposal.

He advised that the STAR Solutions proposal is being evaluated by staff at the Virginia Department of Transportation (VDOT) as part of the Public-Private Transportation Act review process, and it is anticipated that review will continue throughout the summer and VDOT will make a recommendation on how to proceed to the Commonwealth Transportation Board this fall. He noted that in a recent poll, 85 per cent of registered voters surveyed who live along the I-81 corridor believe it is important that I-81 be widened to four lanes in each direction; separating cars from trucks, paid for by a toll on trucks, enjoys a 75 per cent approval rating; recently, both the *Roanoke Times* and the *Staunton News-Leader* issued endorsements of the STAR Solutions proposal; and local support for the project is essential to its success. He further advised that it is believed that improvements to I-81 need to be made as soon as possible, and STAR Solutions believes that it has a financially viable plan to make the improvements now.

As background, it was explained that from January 1, 2000 to June 30, 2001, there were 825 accidents on Virginia's portion of I-81; accidents involving cars and trucks resulted in nine deaths and 341 injuries; the STAR Solutions proposal addresses safety and congestion issues by separating cars and trucks; it is planned to begin with the most critical areas first by adding truck climbing lanes and improving interchanges and then start the widening and separation project in the Staunton to Lexington corridor and move outward incrementally. Truck traffic sometimes exceeds 40 per cent of the number of vehicles on the road, more than double what the road was designed to handle; while numerous studies have

identified the need to widen and improve I-81, the State does not have the means to complete the project in the near future, and based upon current State spending on I-81, it could take 30-50 years to reach completion. The STAR Solutions team has a plan to reduce congestion and to improve road conditions by delivering the needed improvements sooner, and the entire project should be completed within 15 years; reducing congestion saves car and truck drivers time and money and reduces the diversions to local roads that now occur when there are accidents on I-81; and as U. S. Department of Transportation studies have shown, decreased congestion means improved air quality. These improvements could also provide an economic stimulus for the entire I-81 corridor; one recent study by the American Road and Transportation Builders Association estimates that 34,437 jobs are generated by every \$1 billion spent on transportation projects; in several communities along the route, unemployment far exceeds the State and national average, so new jobs will be welcome; and spending in localities will also boost local and State tax revenues. Funded by an electronically collected toll on large trucks, the STAR Solutions plan anticipates rebuilding I-81 in approximately 15 years with no tolls on other vehicles; a 20 year pavement warranty being offered by the team also reduces future maintenance costs, and the funding plan also frees up funds for other critical road projects. The continuing cuts to road projects across the State because of declining revenues further underscores the need for Virginia to proceed with building I-81 using the STAR Solutions concept; not only does the plan deliver much needed safety and congestion benefits, it provides a new source of funding to reconstruct the road; and while the plan does include a small State funding component, it is worth noting that reductions announced by the Commissioner and the Secretary only amount to approximately three per cent reduction in interstate funds. The PPTA process ensures that there will be significant opportunities for public input; if the STAR Solutions proposal is approved, there will be even more opportunities for input in the project planning stage; a privately conducted poll found that 85 per cent of citizens in the I-81 corridor believe it is important to widen I-81 to four lanes, with 58 per cent citing safety as the main reason for widening, 71 per cent approve tolling large trucks to cover the costs; and the conceptual proposal highlights the fact that approximately 90 per cent of the right-of-way needed for improvements already exists, meaning that there will be very minimal displacement along the route.

James Carroll, Executive Director, Sales, Transportation, Fluor, Virginia, Inc., presented the Fluor conceptual proposal for Interstate 81 corridor improvements.

He advised that the Governor has challenged the private sector to “get creative” in finding ways to improve the Interstate 81 transportation corridor, adding that, “What I’m challenging the private sector to do is show me some creative ways

that, “What I’m challenging the private sector to do is show me some creative ways to finance it – not only build it, but finance it.” He stated that Fluor Virginia, Inc., has responded to the Governor’s summons and assembled a team of the foremost financial consultants and design-build firms in the United States to meet this challenge: to develop a project that solves safety problems, is affordable, and benefits all sectors of the I-81 corridor; and the Fluor team has developed an approach that dramatically improves public safety at a reasonable cost.

Details of the plan include adding a one car-only lane in each direction to improve safety and to increase road capacity; widening the road to the inside to reduce impacts to existing structures and the need for additional road work on exits; staying within existing right-of-way to reduce costs and environmental and scenic impacts; adding ten truck climbing lanes, constructing three mainline toll facilities, installing a wireless broad band spine communications system, providing an optional 20-year asset management/maintenance proposal, providing multi-modal opportunities including rail freight diversion, passenger, rail, intercity and interstate bus, aviation and alternatives for bicycles and pedestrians. The 325 mile corridor will be divided into three project areas; each project area will be designed and constructed by a separate design-build team, which approach allows simultaneous construction execution and provides an equal focus on each area to benefit all corridor communities equally and to complete construction activities as soon as possible; and the Fluor schedule calls for starting design in 2003 and completing construction in 2011.

Fluor’s plan of finance will enable VDOT to develop, design and construct the entire 325 miles of I-81 improvements at a fixed price and deliver it on a date certain schedule, decades before conventional State/Federal financing would be available to do so; at \$1.84 billion, Fluor’s plan is \$2 billion less than the more comprehensive \$3.9 billion VDOT I-81 plan; Fluor will construct the proposed improvements without using any public funds; Fluor has identified rail capacity enhancements to the I-81 corridor of approximately \$111 million; and Fluor’s preliminary budget for the work is based upon information provided by Norfolk Southern and the Mid-Atlantic Rail Operating Report.

The Fluor team’s concept provides real and tangible benefits to the I-81 corridor communities and the Commonwealth of Virginia; Fluor has developed a concept that offers the greatest possible transportation and public safety benefit at the lowest environmental and financial costs; Fluor’s approach provides a financial plan based on a new source of revenue with no additional financial burdens for the State, while at the same time, the approach provides the flexibility to make future system improvements that can be phased in as additional transportation funding becomes available.



**There being no questions and/or comments by Council Members, the Mayor advised that both presentations would be received and filed.**

**REPORTS OF OFFICERS:**

**CITY MANAGER:**

**BRIEFINGS:**

**WATER RESOURCES:** The City Manager called upon Mike McEvoy, Director of Utilities, for a briefing on the status of wet weather improvements to the Water Pollution Control Plant.

**Mr. McEvoy advised that the purpose of the project is to adopt wet weather flows at the Water Pollution Control Plant during rain events; the Plant is permitted for 42 million gallons per day, and approximately 37 million gallons flow through the Plant on an average day, therefore, the Plant is close to capacity. He stated that problems occur during wet weather events with infiltration of rain water into the ground and then into the sewer lines, which is a common problem in all five jurisdictions served by the Plant, with flows on a peak hour basis sometimes exceeding 120 million gallons per day, thereby overwhelming the ability of the Plant to handle a large amount of flow in a short time frame. He referred to the State's Consent Order to begin construction in September, 2003, and it is proposed to construct the project in three contracts which will shorten the construction period by approximately six months. By dividing the project into three contracts, he explained that a larger pool of contractors will be available to choose from since there are a limited number of contractors on the East Coast that could bid and bond in the project's price range, and by breaking the project down into smaller projects, it is anticipated that more contractors will be attracted leading to better bid prices. He explained that the first contract includes a 30 month construction schedule to renovate the existing facility at the front of the Plant, the second contract involves installing two new clarifiers and certain handling improvements and floor protection elements, the third contract relates to building renovations involving approximately a 15 month construction schedule, and all contracts can be handled concurrently and managed at the same time. He explained that the original project design report recommended a project in the range of \$74 million which is unaffordable at this time; therefore, a project in the neighborhood of \$35 million was reviewed, however, it became apparent during the design phase that certain elements had to be constructed at this time to meet the goal of the project to handle wet weather conditions, and to address a number of piping improvements that will require structures to be constructed over them, which has caused the project scope to**

increase to approximately \$48 million, including design, land acquisition, roadway improvements near the plant, construction, and a 15 per cent contingency. He noted that the original \$74 million project anticipated a Plant that would handle 62 million gallons per day, with a peak hour capacity of 160 million gallons, and under the current design, 55 million gallons per day can be treated, with a peak hour capacity of about 160 million gallons. He stated that partner jurisdictions are close to finalizing a funding agreement, and the current contract allocating flow and monthly charges requires that each time the Water Pollution Control Plant undergoes an upgrade in excess of \$2 million, a separate addendum to the contract must be negotiated for cost sharing. He advised that final details of the funding agreement will be brought to Council within the next several weeks, which provides that each locality will pay its share of costs based on flow allocations in the Plant, and the City of Roanoke's share of the project is approximately \$23.6 million, which is up from the original estimate of approximately \$17.5 million.

Mr. McEvoy advised that a rate increase will be required to handle debt service which is proposed through two budget cycles: a 20 per cent increase for fiscal year 2004 and a 15 per cent increase in fiscal year 2005. He stated that a loan has been acquired through the Virginia Resource Authority at a reasonable rate of 3.75 per cent; land acquisition near the Water Pollution Control Plant is continuing and title and appraisal work have been completed on several of the houses; and a construction manager has been selected through the request for proposals process which involved the other partner jurisdictions. He called attention to opportunities for minority contractors, and a series of breakfast meetings have been scheduled to bring representatives of large construction firms to the City of Roanoke to meet with local contractors prior to bidding the project.

Mr. McEvoy called attention to a report of the City Manager scheduled later on the agenda to approve the hiring of a construction manager for the project, and advised that it is proposed to use a third party construction administrator, as opposed to an engineer, which will provide additional separation and the third party has no preference in regard to design itself, or any vested interest in design of the project. He explained that because of the amount of funds involved in the contract, there will be several months when \$1 - 2 million per month will be expended in construction-related services; i.e.: two full time inspectors, plus one half time inspector and speciality electrical and contracting inspectors. In order to save money, he stated that it is proposed to hire secretarial support instead of using secretarial support provided by the contractor, which will decrease overhead costs, and it is also proposed to use one of the houses that will be purchased near the Water Pollution Control Plant for office space.

Following questions by Council Members, the Mayor advised that without objection by Council, the briefing would be received and filed.

**ITEMS RECOMMENDED FOR ACTION:**

**BUDGET-WATER RESOURCES:** The City Manager submitted a communication advising that in June 2002, Council authorized the design of Wet Weather Improvements at the Regional Water Pollution Control Plant, which design effort included an aggressive schedule for completion based upon terms negotiated with State regulatory agencies; and the schedule culminates in a September start date for construction activities at the facility.

It was further advised that in an effort to ensure that the project fully meets all defined expectations and that constructed elements represent the best economic alternatives for the region, a second request for proposals for completion of Engineering Peer Review Services and Project Management Services for the construction phase was issued in October 2002; the City Manager would like to award a contract for the above described work to Construction Dynamics Group, Inc., a Maryland Corporation, with offices in Richmond, Virginia; the firm was selected from the 12 proposals that were submitted; said contract will be in an amount not to exceed \$2,001,271.00, however, it will be necessary to provide funding and the City's portion of funding is \$914,781.00.

It was noted that significant provisions of the contract include liquidated damage provisions related to project management (\$50,000.00 in damages if the Project Manager is replaced), as well as two significant cost saving alternatives; the first cost saving measure includes the temporary re-use of neighboring properties and structures currently being acquired as office space for the project; and the second cost saving measure is for the City to provide a full time project administrative secretary, which will result in a savings of approximately \$100,000.00 over the anticipated three year project schedule.

It was explained that Utility Staff and the Department of Finance have completed a State Revolving Loan Fund application to request reduced interest project funding from the State; the State has returned an initial approval of the loan request with a competitive interest rate; a future report will be submitted from staff for consideration by Council of the financing option; terms of the loan require that the closing date for the funds coincide with a construction start date, therefore, requiring that the locality bear the cost of engineering services at the beginning of the project; in order to proceed with the work as expeditiously as possible, cost of

the contract will require an appropriation from the Water Pollution Control Fund Retained Earnings, and the Water Pollution Control Fund will then reimburse itself if and when the loan is initiated.

The City Manager advised that the balance of funds will be provided from contributions by partnering jurisdictions according to a mutually agreed cost allocation formula, which is substantially similar to those as set forth in the Multi-Jurisdictional Contract of November 1994.

The City Manager recommended that Council authorize one full-time Administrative Secretary position to assist with project administration to run concurrently with duration of the project; and advised that funding for the position for the upcoming year will be included as part of the fiscal year 2004 budgeting process.

Mr. Dowe offered the following budget ordinance:

(#36261-031703) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Water Pollution Control Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 162.)

Mr. Dowe moved the adoption of Ordinance No. 36261-031703. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

Mr. Dowe offered the following resolution:

(#36262-031703) A RESOLUTION declaring the City's intent to reimburse itself from the proceeds of its tax-exempt obligations for certain moneys to be appropriated by the City for the City's share of expenditures under a Contract for Engineering and Consulting Services with Construction Dynamics Group, Inc., in connection with wet weather improvements to the Regional Water Pollution Control Plant; and providing for an effective date.

(For full text of Resolution, see Resolution Book No. 67, page 163.)

**Mr. Dowe moved the adoption of Resolution No. 36262-031703. The motion was seconded by Mr. Cutler and adopted by the following vote:**

**AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.**

**NAYS: None-----0.**

**REPORTS OF COMMITTEES:**

**BUDGET-SCHOOLS: A communication from the Roanoke City School Board requesting appropriation of funds to the following school accounts; and a report of the Director of Finance recommending that Council concur in the request, were before the body.**

**\$2,509.00 for the Child Specialty Services program to provide funds for the salary and expenses of the educational coordinator, said funds to be reimbursed 100 per cent by State funds.**

**\$254,869.00 for the Juvenile Detention Home program to provide funds for the salary and expenses of three educational coordinators, to be reimbursed 100 per cent by State funds.**

**\$4,000.00 for the Expanded GED Testing Services program to operate a satellite GED test center at the Virginia Employment Commission and expand the testing services in the Roanoke City testing area, to be reimbursed 100 per cent by State funds.**

**\$250,000.00 for the cost of architectural fees for the development of construction documents for the Patrick Henry High School project; and funding for the project is provided equally from City Capital funds and Schools' Debt Service Reserve.**

**Mr. Harris offered the following budget ordinance:**

**(#36263-031703) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 School and School Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.**

**(For full text of Ordinance, see Ordinance Book No. 67, page 165.)**

Mr. Harris moved the adoption of Ordinance No. 36263-031703. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

UNFINISHED BUSINESS: NONE.

**INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:**

CITY COUNCIL: Mr. Bestpitch offered the following resolution eliminating the provision for fifth Monday Council meetings:

(#36264-031703) A RESOLUTION amending Paragraph 2 of Resolution No. 35958-070102, which established a meeting schedule for City Council for the Fiscal Year commencing July 1, 2002, and terminating June 30, 2003, by eliminating subsection (c) of Paragraph 2 which provided for meetings of City Council to be held on each fifth Monday for the purpose of receiving briefings and reports of Council members serving in liaison capacities on various committees and for planning purposes.

(For full text of Resolution, see Resolution Book No. 67, page 168.)

Mr. Bestpitch moved the adoption of Resolution No. 36264-031703. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

MOTIONS AND MISCELLANEOUS BUSINESS:

**INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:**

TRAFFIC-TRANSPORTATION SAFETY: Council Member Bestpitch called attention to concerns expressed by drivers regarding speeding citations on Towne Square Boulevard, N. W., between Valley View Boulevard and Airport Road. He

advised that there is a 25 miles per hour speed limit sign on one side of the road, but not on the other side, and asked that the matter be referred to the City Manager for report to Council.

**FLOOD REDUCTION/CONTROL-EQUIPMENT:** Council Member Bestpitch requested a review of the City's procedure for removing City equipment from flood prone areas.

**POLICE DEPARTMENT-COMMITTEES-NEIGHBORHOOD ORGANIZATIONS-COMMUNITY PLANNING-TRANSPORTATION SAFETY:** Council Member Carder expressed concern with regard to speeding vehicles in Roanoke's residential neighborhoods. He requested that the City Manager appoint a committee composed of law enforcement representatives, City Planning staff, neighborhood representatives and citizens to review actions taken by other localities to slow down traffic and to make neighborhoods safer.

**ACTS OF ACKNOWLEDGMENT-SPECIAL EVENTS:** The Mayor and Council Member Wyatt congratulated all persons involved in the St. Patrick's Day Parade which was held on Saturday, March 15, 2003.

**HEARING OF CITIZENS UPON PUBLIC MATTERS:** The Mayor advised that Council sets this time as a priority for citizens to be heard, and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

No citizens requested to be heard.

**CITY MANAGER COMMENTS:**

**ACTS OF ACKNOWLEDGMENT-SPECIAL EVENTS:** The City Manager commended all persons involved in the St. Patrick's Day Parade which was held on Saturday, March 15, 2003.

**FLOOD REDUCTION/CONTROL-EQUIPMENT:** The City Manager spoke to previous remarks of Council Member Bestpitch in regard to reviewing the City's procedure for the removal of equipment in flood prone areas. She advised that following the flood of 1985, the City, realizing the potential impact of the 100 year flood, did, in fact, modify its building code to provide for building requirements of different magnitude in flood prone areas of the City than elsewhere; and a current requirement provides that any occupied space by human beings must be at least 8.5 feet above the flood plain, which was taken into account as a decision was made to redevelop the Reserve Avenue area.

**She advised that the recent flood experienced by the City was abnormal; using scientific data that has been gathered over the years, the City and other jurisdictions took its advice on the projected height of the water from the National Weather Service in Blacksburg, which has, for many years, taken readings at various locations, and based upon National Weather Service readings, keyed off of what should be the highest height of the water in Roanoke within a projected time frame. She noted that history in this instance proved itself wrong because the water did come to a higher level than was anticipated and did not key off of certain prior readings. She explained that the City has taken steps to review the abnormality and the Corp of Engineers and others are looking at what might have created the problems (development that has occurred over the years so that topography has changed, or a temporary structure was created within the Roanoke River that may have precipitated the unusual height of the river). She stated that the City took immediate steps to call in staff; two pieces of City equipment were lost in the flood, numerous pieces of equipment received water coverage and staff took immediate steps to move those pieces of equipment to dry and warm areas and to engage in immediate “triage” where staff took into account the length of time that the vehicles had been exposed to water and which vehicles stood the greatest opportunity for damage. She called attention to the assistance of Valley Metro mechanics and City employees who are excellent mechanics in their own right. She assured the Members of Council that City staff is critiquing this particular flood to determine if the information has changed and if the City should react differently in the future. She stated that it is unfortunate that the City has equipment that must be stored in that area of the City at the present time, and called attention to plans to move part of the equipment on a permanent basis to the Public Works Service Center. She noted that Council has signaled its intent, long term, to make the area available for future and better use, with the Roanoke River serving as an amenity.**

**The City Manager assured the Members of Council and the citizens of Roanoke that staff acted on the best information that was available at the time and chose to discard some of the information in order to act appropriately, and City staff will continue to review the incident so that if the City experiences a future flood event, staff will be in a position to respond as quickly as possible. The City Manager stated that she was pleased to report that initial damage estimates on the equipment have been reduced to a minimum by comparison to what original estimates were anticipated to be.**

**At 3:45 p.m., the Mayor declared the meeting in recess for four closed sessions.**

**At 5:20 p.m., the meeting reconvened in the City Council Chamber.**



**COUNCIL:** With respect to the Closed Meeting just concluded, Mr. Cutler moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

**AYES:** Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

**NAYS:** None-----0.

At 5:20 p.m., the Mayor declared the Council meeting in recess until 7:00 p.m., in the City Council Chamber.

At 7:00 p.m., on Monday, March 17, 2003, the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor Ralph K. Smith presiding.

**PRESENT:** Council Members William D. Bestpitch, William H. Carder, M. Rupert Cutler, Alfred T. Dowe, Jr., C. Nelson Harris, Linda F. Wyatt and Mayor Ralph K. Smith-----7.

**ABSENT:** None-----0.

**OFFICERS PRESENT:** Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Mayor Smith.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

#### **PRESENTATIONS AND ACKNOWLEDGMENTS:**

**POLICE DEPARTMENT-ACTS OF ACKNOWLEDGMENT:** The Mayor recognized Roanoke Police Explorer Scout Post 616, recipient of the 2002 Youth Award by the Southwest Regional Crime Prevention Association. He advised that the Youth

Award is presented to a youth group, or individual, under the age of 18 who has promoted crime prevention in the community through awareness campaigns, volunteerism, and other projects. He stated that Roanoke Police Explorer Scout Post 616 has performed extraordinary work in their commitment, dedication and selfless service to the community, they are often called upon and requested to volunteer their energy and enthusiasm, and they have volunteered at such activities as National Night Out, Special Olympics fundraising events, League of Older Americans, "Lunch on the Lawn", Clean Valley Day, Christmas in April, the Virginia Commonwealth Games and they routinely volunteer at the Bradley Free Clinic. He commended Scout Post 616 on being a well mannered and disciplined group of youth who personify role models for today and great leaders for tomorrow.

#### **PUBLIC HEARINGS:**

**NEIGHBORHOOD ORGANIZATIONS/PLANS:** Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, March 17, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on an Amendment to Vision 2001-2020, the City's Comprehensive Plan, to add the Gainsboro Neighborhood Plan, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, March 7, 2003, and Friday, March 14, 2003, and in The Roanoke Tribune on Thursday, March 13, 2003.

The City Planning Commission submitted a written report recommending that Council adopt, as a component of Vision 2001-2020, the Gainsboro Neighborhood Plan, as modified on February 20, 2003.

Mr. Cutler offered the following ordinance:

(#36265-031703) AN ORDINANCE approving the Gainsboro Neighborhood Plan, and amending Vision 2001 - 2020, the City's Comprehensive Plan, to include the Gainsboro Neighborhood Plan; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 67, page 170.)

Mr. Cutler moved the adoption of Ordinance No. 36265-031703. The motion was seconded by Mr. Dowe.

**The Mayor inquired if there were persons in attendance who would like to speak in connection with the matter.**

**The first person signed up to speak on the matter was Mr. Charles A. Price, who, when called upon to speak, deferred.**

**Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., pointed out that photographs of the Gainsboro neighborhood will be submitted for inclusion in the Neighborhood Plan, and additional development proposals for Henry Street will be submitted. In regard to the Total Action Against Poverty proposal, she advised that there was no discussion or agreement within neighborhood meetings regarding relocation of the Harrison Museum of African-American Culture, and asked that her comments not be interpreted to portray disagreement with the move. She stated that it was reported during the meetings that neighborhood groups would like no buildings on Henry Street to be taller than four stories, and noted that buildings taller than four stories should not be permitted inasmuch as such structures would be historically incorrect. On behalf of those organizations that participated in the meetings, she expressed appreciation to City staff and to the City Planning Commission who worked with the neighborhoods to complete the Gainsboro Neighborhood Plan.**

**Mr. Charles A. Price, 3201 Willow Road, N. W., asked to be heard; whereupon, the Mayor advised that he would recognize Mr. Price; however, in the future, speakers are requested to address Council in the order in which they registered to speak.**

**Mr. Price advised that the plan developed by the Roanoke Neighborhood Development Corporation (RNDC) in 1997-98 regarding Henry Street was prepared with community input and developed based upon zoning and potential use at that time for the area. He stated that RNDC was involved in development of the adjacent parking area, as well as the parking garage, and considerable time was involved in addressing vista/height limitations and overall scope and scale. He disagreed with Ms. Bethel's remarks in connection with the height of the buildings, because the area, insofar as height was concerned, was restricted as a visual means to allow an overall overview from downtown into the Gainsboro community, and to allow maximum development in the other adjacent C-3 areas, and insofar as height and zoning issues, buildings will be developed with that in mind. He stated that it is not the intent of RNDC to place restrictions on the northwestern part of the site, because of the view that will allow for the potential of development, and the RNDC plan prepared for the Henry Street area was not restrictive in the sense as noted by Ms. Bethel in her comments.**

There being no further speakers, the Mayor declared the public hearing closed.

Council Member Cutler inquired if the name Henry Street could be used instead of First Street, since it is confusing to talk about Henry Street when Henry Street no longer exists. In regard to a comment that a central meeting place is needed for community activities, he advised that the Harrison School is located across 5<sup>th</sup> Street from the Gainsboro neighborhood, and the Harrison School should be protected and adaptively reused, with or without the Harrison Museum's principle which will be moved to the Dumas Center. He stated that the Harrison School is a logical place for a community activities center and suggested that the matter be discussed in the future. He noted that during discussion of the repair, widening and reuse of the First Street Bridge as the Martin Luther King, Jr. Memorial Bridge, it was mentioned that the bridge would be a logical place for the Lick Run Greenway to move across the railroad tracks from The Hotel Roanoke into downtown Roanoke, and asked that future implementation of the Gainsboro Neighborhood Plan include a reference that the Lick Run Greenway will cross the Martin Luther King, Jr. Memorial Bridge.

There being no further discussion, Ordinance No. 36265-031703 was adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

**SPECIAL PERMITS:** Pursuant to previous action of the Council, the City Clerk having advertised a public hearing for Monday, March 17, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to a proposal of the City of Roanoke to grant a revocable license permitting the encroachment of parking spaces eight feet into the public right-of-way at 3308 Franklin Road, S. W., the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, March 7, 2003.

The City Manager submitted a communication advising that property owners at 3308 Franklin Road, S. W., have requested permission to implement a new parking configuration to accommodate the addition of two handicapped parking spaces, and

the new configuration will create an encroachment into the public right-of-way; the requested revocable encroachment will extend approximately eight feet into the right-of-way of Franklin Road, S. W., at grade level, and the right-of-way of Franklin Road at this location is approximately 190 feet in width.

It was further advised that liability insurance and indemnification of the City by the property owner will be provided by the property owner, subject to approval by the City's Risk Manager.

The City Manager recommended that Council adopt an ordinance, to be executed by the property owners, Kenneth and Linda Cumins, and recorded in the Clerk's Office of the Circuit Court for the City of Roanoke, granting a revocable license to allow construction of parking spaces encroaching into the right-of-way at 3308 Franklin Road, S. W.

Mr. Harris offered the following ordinance:

(#36266-031703) AN ORDINANCE granting a revocable license to allow the encroachment of parking spaces extending eight (8) feet into the public right-of-way at grade level, to implement a new parking configuration to accommodate the addition of two handicapped parking spaces, upon property located at 3308 Franklin Road, S. W., bearing Official Tax No. 1300116, upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 171.)

Mr. Harris moved the adoption of Ordinance No. 36266-031703. The motion was seconded by Mr. Carder.

There being none, he declared the public hearing closed.

The Mayor inquired if there were persons in attendance who would like to speak in connection with the matter.

There being no discussion by Council, Ordinance No. 36266-031703 was adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

**AIRPORT-SIGNS/BILLBOARDS/AWNINGS-SPECIAL PERMITS:** Pursuant to action of the Council, the City Clerk having advertised a public hearing for Monday, March 17, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to a proposal of the City of Roanoke to grant a revocable license to the Roanoke Regional Airport Commission for encroachment of an overhead directional sign approximately 58 feet into the public right-of-way of Aviation Drive, N. W., approaching the main entrance of the Airport Terminal Building, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, March 7, 2003.

The City Manager submitted a communication advising that the Roanoke Regional Airport Commission, owner of property along Aviation Drive, N. W., has requested permission to install an overhead directional sign, with all necessary appurtenances thereto, approaching the main entrance to the Airport Terminal Building; the proposed sign will create an encroachment into the public right-of-way of Aviation Drive, N. W.; the revocable encroachment will extend approximately 58 feet into the right-of-way of Aviation Drive; the right-of-way of Aviation Drive at this location is approximately 158 feet in width; and liability insurance and indemnification of the City by the applicant shall be provided, subject to approval by the City's Risk Manager.

The City Manager recommended that Council adopt an ordinance, to be executed by the property owner and recorded in the Clerk's Office of the Circuit Court for the City of Roanoke, granting a revocable license to the Roanoke Regional Airport Commission, to allow installation of a directional sign encroaching into the right-of-way of Aviation Drive, N. W.

Mr. Harris offered the following ordinance:

(#36267-031703) AN ORDINANCE granting a revocable license to permit the encroachment of an overhead directional sign, extending approximately fifty-eight (58) feet into the public right-of-way of Aviation Drive, N. W., upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 173.)

Mr. Harris moved the adoption of Ordinance No. 36267-031703. The motion was seconded by Mr. Dowe.

The Mayor inquired if there were persons in attendance who would like to speak in connection with the matter.

There being none, he declared the public hearing closed.

There being no discussion by Council, Ordinance No. 36267-031703 was adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

**AIRPORT-LEASES:** Pursuant to action of the Council, the City Clerk having advertised a public hearing for Monday, March 17, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to a proposal of the City of Roanoke to convey approximately 800 square feet of property bearing Official Tax No. 6640123 to the Federal Aviation Administration, conditioned upon an agreement with the Hertz Corp. to amend a Lease Agreement removing an 800 square foot area from the lease, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, March 7, 2003.

The City Manager submitted a communication advising that the Federal Aviation Administration is in the process of acquiring sites to install Low Level Wind Shear Alert System Remote Sensors, and one of the proposed sites is on City-owned property currently leased by the Hertz Corp.; and the lease with the Hertz Corp. provides that the lease is subject to and subordinate to provisions of any future agreement between the City of Roanoke and the United States relative to operation, improvement or maintenance of the Roanoke Regional Airport.

It was further advised that the FAA has offered to buy the site, consisting of approximately 800 square feet, for the sum of \$42,000.00; the area is currently contained within a portion of the area that the City has leased to the Hertz Corp.; and the Hertz Corp. has verbally agreed to an amendment to its lease whereby the 800 square foot area would be released from the lease agreement for a corresponding reduction in the amount of monthly lease payments made by the Hertz Corp. to the City.

The City Manager recommended, following the public hearing, that she be authorized to execute the appropriate documents, including a contract and deed, to convey the subject property containing approximately 800 square feet to the United States of America, such documents to be approved as to form by the City Attorney; with such approval to be specifically conditioned upon the Hertz Corp. executing an amendment to the lease agreement between the Hertz Corp. and the City of Roanoke removing the 800 square foot area from the lease agreement; and the grantee will be responsible for all title work, surveying, plat preparation, and preparation of legal documents.

Mr. Harris offered the following ordinance:

(#36268-031703) AN ORDINANCE authorizing the City Manager to execute agreements, deeds and any related and necessary documents providing for the conveyance to the United States of America of a portion of City-owned property identified by Official Tax Map No. 6640123, consisting of 800 square feet, located on Municipal Road, for the installation of Low Level Wind Shear Alert System Remote Sensors; upon certain terms and conditions, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 175.)

Mr. Harris moved the adoption of Ordinance No. 36268-031703. The motion was seconded by Mr. Cutler.

The Mayor inquired if there were persons in attendance who would like to speak in connection with the matter.

There being none, he declared the public hearing closed.

There being no discussion by Council, Ordinance No. 36267-031703 was adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

PARKS AND RECREATION-CITY PROPERTY-BLUE RIDGE PUBLIC TELEVISION: Pursuant to action of the Council, the City Clerk having advertised a public hearing for Monday, March 17, 2003, at 7:00 p.m., or as soon thereafter as the



matter may be heard, with regard to a proposal to convey five acres of City-owned property to Blue Ridge Public Television (BRPT), being a portion of Fishburn Park currently used by BRPT for its station and located off of Colonial Avenue, S. W., and to impose a restriction on a 6.8-acre portion of Fishburn Park that such property will be used for park purposes, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Monday, March 10, 2003.

The City Attorney submitted a written report advising that since 1966, the City has leased to Blue Ridge Public Television (BRPT) five acres of Fishburn Park, on which BRPT has constructed its television station; the current lease ends on November 14, 2004, and BRPT has offered to purchase the five acres from the City for the sum of \$100,000.00; approximately two and one half acres of the parcel of land leased to BRPT are encumbered by a restriction placed upon the property when it was conveyed to the City in 1935 by the late Blair J. Fishburn, limiting use of the land to "park purposes"; and BRPT wishes to have this restriction removed from the property to be conveyed by the City.

It was further advised that the heirs of Blair J. Fishburn have agreed to release the restriction, if 1) the City will agree to imposing a similar restriction on approximately 6.8 acres of Fishburn Park currently unencumbered with it, 2) the City will expend the proceeds of the sale of the property on improvements to Fishburn Park, and 3) BRPT will expend at least \$47,753.00 to construct the Blair J. Fishburn Community Room at its station, which room shall be available to and open to the public; and BRPT has agreed to the third item by resolution adopted on February 28, 2003.

Mr. Harris offered the following ordinance:

(#36269-031703) AN ORDINANCE authorizing the City Manager to execute an agreement, deed and any related and necessary documents providing for the sale and conveyance of City-owned property located on Colonial Avenue, S. W., lying in Fishburn Park, containing approximately 5.0 acres, more or less, a 2½ acre portion of which is encumbered by certain restrictions contained in a 1935 deed; approving removal of such restrictions, and imposition of the same deed restrictions on a 6.8 acre tract of land also lying in Fishburn Park; approving expenditure of the consideration received for the sale of this parcel for improvements to Fishburn Park, upon certain terms and conditions, and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 67, page 176.)

Mr. Harris moved the adoption of Ordinance No. 36269-031703. The motion was seconded by Mr. Dowe.

The Mayor inquired if there were persons in attendance who would like to speak in connection with the matter.

There being none, he declared the public hearing closed.

Council Member Carder called attention to the possibility that the Murray Run Greenway runs through a corner of the property in question, and, that being the case, he suggested that the City of Roanoke retain a permanent easement for the greenway, thereby ensuring no problems in the future.

The City Attorney responded that the deed will retain existing easements, and it would be prudent to prepare a survey and reserve the specific easement.

Ordinance No. 36269-031703 was adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

**HEARING OF CITIZENS UPON PUBLIC MATTERS:** The Mayor advised that Council sets this time as a priority for citizens to be heard, and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

**CITY COUNCIL:** The following persons addressed Council with regard to adopting a proposed measure opposing military action against Iraq by the United States of America:

Ms. Audette Fulbright, 1326 Belleview Avenue, S. W., requested that Council adopt a resolution opposing the United States threatened violation of the United Nations Charter by unilateral preemptive military action against the sovereign nation of Iraq, and the dangerous precedent such action would establish, that the President and Congress be urged to work with and through the United Nations to obtain compliance by Iraq with United Nations Security Council Resolutions, and that war should not be taken unilaterally or preemptively by the United States. She presented petitions signed by persons in support of adoption of the resolution and pointed out

that as of noon on Monday, March 17, 2003, 151 U. S. cities and counties had declared themselves peace cities and expressed their opposition to war with Iraq; two Virginia cities have declared themselves peace cities: Alexandria and Charlottesville; and nine localities are considering such declarations: Arlington County, Blacksburg, Fairfax County, Falls Church, Leesburg, Loudon County, Staunton, and Williamsburg.

Mr. Bob Fetter, 2923 Carolina Avenue, S. W., called attention to expenses associated with the war on Iraq and the occupation and rehabilitation that will follow.

Ms. Elizabeth Keyser, 714 White Oak Road, S. W., advised that the war against Iraq is a bad move on the part of the United States for five distinct reasons: (1) the tremendous toll on human life and suffering, (2) the economic toll will be overwhelming, with \$100 billion for the war alone, not taking into consideration the aftermath of the war; (3) the security of Americans is being threatened around the world; (4) the United States is losing the respect of nations around the world; and (5) Americans are losing self-respect because of the hypocritical and self-righteous nature of certain communications generated by the United States Government. She encouraged Council to adopt the proposed resolution.

The Reverend Rusty Dinkins-Curling, 2817 Cumberland Street, N. W., spoke in support of adoption of the resolution, although it appears that war is imminent. He advised that there are viable alternatives that have not been reviewed and have not been tried by the United States Government. He stated that sufficient time should be allowed for inspectors to complete the task of disarming Iraq, and that the United States declare to Iraq that if it cooperates with inspectors and disarms, it will not be attacked. He called attention to a proposal by a group of United States, British, and Anglican clergy for a six point plan that closely resembles the alternatives included in the proposed resolution, which many persons believe would be successful in disarming Iraq; and if there is a means that will work short of a war, with the associated loss of life and property and the cost of war, it should be tried.

**COMPLAINTS-CITY EMPLOYEES-ROANOKE NEIGHBORHOOD PARTNERSHIP:** The following persons addressed Council in connection with alleged discriminatory practices by the City; i.e.: the termination of employment of Ms. Nandini Assar, an employee of the Roanoke Neighborhood Partnership Office:

Ms. Angela Norman, 1731 Michael Street, N. W., addressed Council as a community leader and a representative of the Municipal Employee Association. She called attention to areas of employment deficits and discrimination within City

government; endorsement of the City Manager's Affirmative Action report by the President of the Roanoke Chapter, NAACP, was only one voice and did not represent the black community or other minorities; and discrimination and favoritism still exists from the top down in City management, with managers and supervisors who are fearful of losing their jobs if they do not support decisions from the top down, whether such decisions are morally and professionally right or wrong. She stated that African-Americans are purposely being hired as supervisors over other blacks as a disguise to accomplish the covering up of discrimination against targeted employees. She spoke in support of Ms. Nandini Assar, a minority employee from India, who was unjustifiably terminated from her position with the City. She stated that Ms. Assar has more education and professional experience than her supervisors; and support of her termination from the top down, again exposes the level of discrimination that is alive behind closed doors. Because favoritism is another problem, she added that some Caucasian employees are also being treated unfairly, and she has appeared before Council over a period of six years addressing this concern, because internal investigations render predetermined decisions, not favorable for employees, since the deck is stacked from the top down. She requested the assistance of Council in reaching fairness and equity for all City employees.

Ms. Nandini Assar, 311 Buckingham Place, Blacksburg, Virginia, advised that she was a City employee for 13 months; she was dismissed without notice on Friday, January 3, 2003, at 4:45 p.m., prior to a scheduled week of leave time, and she had no opportunity to address allegations about her work, despite repeated efforts. She called attention to the last document in her personnel file prior to receiving her letter of termination which was an internal promotion. She stated that she brought the matter to the attention of Council after exhausting all steps in the City's published grievance procedure. She explained that she experienced racial, ethnic and other discrimination and prejudice in her employment; she was dismissed without cause; she was hired as a temporary employee in November, 2001, with the understanding that a permanent position would become available shortly thereafter; in June, 2002, she was promoted to permanent full-time status to the position of Neighborhood Development Specialist, and was offered a salary, in writing, that was lower than her wages as a temporary employee; and upon accepting the position, the written offer was further reduced, without discussion, when she received her final letter of appointment and duties of the position were downgraded, which is typical of discriminatory practices. She stated that feedback was denied, and when she filed a grievance, it was ignored. She explained that she was hired to work with neighborhood groups and to render support in efforts to enhance neighborhoods; however, the day after her promotion, she was directed

to move to a new work station and answer telephones at the City's call center with no previous training for the new duties. She advised that she informed her supervisor that while she was willing to help, this was not the best use of her capabilities and thus a waste of taxpayers' money, which issues were not addressed by her supervisor. She stated that she worked under hostile supervision and without adequate support and training, her supervisor often provided contradictory directions, her questions were unanswered and feedback was not forthcoming. She stated that on January 3, 2003, she was given a letter of termination alleging poor customer service and neglect, although no record exists of poor customer service in her personnel file and despite several requests, she was not provided with a copy of the signed written evaluation or any supporting documentation. She explained that she has complied with the City's grievance procedure, and requested that Council review the situation and that she be reinstated with the offer of employment dated June, 2002, and with provisions for supervision that are conducive to success.

Ms. Peggy Blankenship, 2316 Russell Avenue, S. W., President of the Norwich Neighborhood Alliance, spoke on behalf of Ms. Assar. She advised that for some time the Norwich organization experienced difficulties with the Roanoke Neighborhood Partnership Office, which provided limited guidance until the arrival of Ms. Assar. She stated that Ms. Assar assisted the organization in obtaining a \$10,000.00 Community Development Block Grant for the Norwich neighborhood, and she provided the necessary leadership and guidance on behalf of an office of the City that is vital to the well being of Roanoke's neighborhoods.

Ms. Sandra Eanes, 1616 Stewart Avenue, S. E., commended the work of Ms. Assar in assisting the Southeast Action Forum. She advised that Ms. Assar is well informed, and she has been a great asset to the Roanoke Neighborhood Partnership. She requested that Ms. Assar be reinstated to her position of Neighborhood Development Specialist.

Mr. Lewis Grogan, 528 Chestnut Avenue, N. W., spoke in support of the assistance rendered by Ms. Assar to the Northwest Neighborhood Improvement Council. He advised that Ms. Assar was helpful in providing the necessary information in the grant process, and she has performed her duties and responsibilities with integrity and professionalism. He stated that Roanoke's neighborhoods are suffering because the grant process, which is important to Roanoke's communities, has been interrupted, and requested that Ms. Assar be reinstated in her position so that Roanoke can go back to the process of improving its neighborhoods.

**Ms. Kathy Hill, 509 Arbor Avenue, S. E., spoke in support of the reinstatement of Ms. Assar to her position. She called attention to other employees in the Roanoke Neighborhood Partnership Office who have either been replaced, or assigned to work in other City departments. She stated that Ms. Assar was unfairly terminated and the circumstances of her termination should be investigated, followed by corrective action.**

**Ms. Adrian Brown, 813 Gilmer Avenue, N. W., spoke on behalf of Ms. Assar and other City employees who have suffered, are suffering, and will suffer from discrimination at the hands of those who are practicing different forms of discrimination. She stated that she worked with Ms. Assar, who displayed characteristics of strength of character and dedication to the values that City employees hold dear – competence, fairness and respect; she practiced excellent customer service with neighborhoods and provided a positive influence on citizens. She added that Ms. Assar, like many other City employees, fell victim to what appears to be a corrupt departmental system that should be changed; and some employees have left the City, some are waiting in the wings for the “shoe to fall”, and some do not know that they will be a victim in the future. She asked that Council listen carefully to what is being said because most City employees suffer in silence.**

**COMPLAINTS-CITY EMPLOYEES: Mr. Robert Gravely, 3360 Hershberger Road, N. W., advised that the last time he appeared before Council, he was denied his first amendment right to freedom of speech. He advised that Council Members are elected to represent all of the citizens of Roanoke and not a select few. He expressed concern with regard to the City’s pay scale, and the use of taxpayers’ dollars to construct large buildings and to attract businesses to the City of Roanoke.**

**NEIGHBORHOOD ORGANIZATIONS/PLANS-COMPLAINTS-CITY EMPLOYEES-CITY COUNCIL: Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., advised that the world is in crisis, with people crying for peace; and it is disturbing to hear citizens request that their City Council issue a resolution for Roanoke to be a city of peace, and the reaction of Council to not respond in any way is disturbing. She stated that it is also disturbing when an individual defers to address Council, and later is allowed to address comments made by a previous speaker with little reference to the Neighborhood Plan which was the topic of discussion. She added that it is also disturbing to hear a City employee indicate specifically how he or she has been discriminated against, and other City employees have addressed Council in the past with their concerns of discriminatory practices without any response by Council. She asked that Council work with City employees and Roanoke’s neighborhoods so that they can be the best they are capable of becoming.**

**There being no further business, the Mayor declared the meeting adjourned at 8:10 p.m.**

**A P P R O V E D**

**ATTEST:**

**Mary F. Parker  
City Clerk**

**Ralph K. Smith  
Mayor**

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